



PUBLIC NOTICE

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DA 03-1881

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON ALLTEL COMMUNICATIONS, INC. PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF VIRGINIA

PLEADING CYCLE ESTABLISHED

CC Docket No. 96-45

Release Date: June 3, 2003

Comment Date: 10 days from publication in Federal Register

Reply Comment Date: 17 days from publication in Federal Register

On April 14, 2003, ALLTEL Communications, Inc. (ALLTEL), a commercial mobile radio service (CMRS) carrier, filed with the Commission a petition under section 214(e)(6) seeking designation as an eligible telecommunications carrier (ETC) to receive federal universal service support for service offered throughout its licensed service area in the state of Virginia, including rural and non-rural areas.¹ On May 21, 2003, ALLTEL filed an amendment to its petition with regard to its proposed service areas.² Specifically, ALLTEL contends that: (1) the Virginia State Corporation Commission (Virginia Commission) has provided an affirmative statement that it does not regulate CMRS carriers;³ (2) ALLTEL satisfies all the statutory and

¹ See *ALLTEL Communications, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia*, filed April 14, 2003 (ALLTEL Petition). ALLTEL requests ETC designation throughout its licensed service area in Virginia. See *id.* at 1, 7, Exhibit B. See also *First Amendment to the Application of ALLTEL Communications, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Virginia*, filed May 21, 2003 (ALLTEL Amendment) (delineating and modifying the list of wire centers for which ALLTEL seeks ETC designation).

² See generally ALLTEL Amendment.

³ ALLTEL Petition at 3. On April 9, 2002, the Virginia Commission released an order stating that the Virginia Commission has not asserted jurisdiction over CMRS carriers and directing Virginia Cellular, the applicant in that case, to file for ETC designation with the FCC. See *Order, Application of Virginia Cellular LLC for Designation as an Eligible Telecommunications Provider Under 47 U.S.C. Sec. 214(e)(2)*, Case No. PUC010263 at pages 4-5 (April 9, 2002).

regulatory prerequisites for ETC designation;⁴ and (3) designating ALLTEL as an ETC will serve the public interest.⁵

Pursuant to section 54.207(c) of the Commission's rules,⁶ ALLTEL also requests that the Commission designate ALLTEL as an ETC in service areas defined along boundaries that differ from incumbent rural local exchange company (LEC) study area boundaries.⁷ ALLTEL requests that these service areas be redefined on a wire center by wire center basis such that each wire center is a separate service area.⁸ ALLTEL intends to serve each proposed wire center in its entirety.⁹ The service area requested by ALLTEL for ETC designation partially covers the study areas of Central Telephone Company – Virginia and United Inter-Mountain Telephone.¹⁰ ALLTEL maintains that the proposed redefinition of service areas for ETC purposes is consistent with the factors to be considered when redefining a rural telephone company service area, as enumerated by the Federal-State Joint Board on Universal Service (Joint Board).¹¹ The Wireline Competition Bureau seeks comment on the ALLTEL Petition.

The petitioner must provide copies of its petition to the Virginia Commission at the time of filing with the Commission. The Commission will also send a copy of this Public Notice to the Virginia Commission by overnight express mail to ensure that the Virginia Commission is notified of the notice and comment period.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before 10 days from publication in the Federal

⁴ ALLTEL Petition at 1, 2-7, 12-13.

⁵ ALLTEL Petition at 1, 10-12.

⁶ See 47 C.F.R. § 54.207(c) (outlining the requirements for petitions seeking to redefine a service area of a rural telephone company).

⁷ ALLTEL Petition at 8-10. Under section 214(e)(5), in the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board, establish a different definition of "service area" for such company. 47 U.S.C. § 214(e)(5).

⁸ See ALLTEL Amendment at 1, 3, Attachment (Study Areas Partially Served).

⁹ See ALLTEL Amendment at 2, Attachment (modifying its petition to exclude the Galax wire center in United Inter-Mountain Telephone Company's study area because due to the contours of ALLTEL's licensed service area, ALLTEL is unable to serve the Galax wire center in its entirety).

¹⁰ ALLTEL Petition at 8, Exhibits D and E; ALLTEL Amendment at 2-3, Revised Exhibit D, Attachment.

¹¹ ALLTEL Petition at 9-10. The Joint Board has enumerated the following three factors to be considered when redefining a rural service area: (1) whether the competitive carrier is engaged in "cream skimming," (2) whether the rural local exchange carrier's (LEC) special status under the Act will be duly recognized in the proceeding, (3) whether a redefinition of the service area would impose an additional administrative burden for the LEC. See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Recommended Decision, 12 FCC Rcd 87, 179-80, paras. 172-74 (1996).

Register, and reply comments on or before 17 days from publication in the Federal Register. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

For further information, contact Shannon Lipp, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.